

FILED

UNITED STATES COURT OF APPEALS

DEC 24 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL EDWARD CHOVAN,

Defendant - Appellant.

No. 11-50107

D.C. No. 3:10-cr-01805-JAH-1  
Southern District of California,  
San Diego

ORDER

Before: PREGERSON, HAWKINS, and BEA, Circuit Judges.

The parties' joint motion for a 30-day extension of time to file simultaneous briefs setting forth their respective positions on whether the case should be reheard en banc is GRANTED. The briefs should not exceed 20 pages in length.

The parties' briefs should address the following issue: whether our circuit's holding in *United States v. Hancock*, 231 F.3d 557 (9th Cir. 2000), that the "civil rights restored" provision in 18 U.S.C. § 921(a)(33)(b)(ii) does not violate equal protection should be overruled in light of the Supreme Court's recent decisions in *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. City of Chicago*, 130 S. Ct. 3020 (2010).